MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
PORT OF EVERETT
Model Toxics Control Act Interim Action and Maritime Industrial Expansion at Norton Terminal
SEPA File No. 2021-01

DESCRIPTION OF PROPOSAL: The Project includes two interrelated proposed actions at the Port of Everett (Port)-owned site referred to by the Washington State Department of Ecology (Ecology) as the Kimberly-Clark Worldwide (K-C) Site (Facility/Site ID 9). These primary actions are: 1) A Model Toxics Control Act (MTCA) Interim Action (3rd Interim Action) which will be implemented pursuant to an amendment to the existing Agreed Order (Order DE 9476), and 2) the development of the Port's Maritime Industrial Expansion (MIE) Action. These two actions are complementary and interrelated.

1) The MTCA interim cleanup action involves installation of a low-permeability cap to reduce stormwater infiltration through contaminated soil to improve groundwater quality and contain some of the areas of residual soil contamination remaining on the upland portion of the Kimberly Clark (K-C) Site (Site). This interim action is being conducted to expedite the cleanup action for the Site and will be designed to be consistent with future requirements for the final Site cleanup.
2) The Port MIE Action includes the development of the Site into a secure marine cargo terminal (Norton Terminal) on approximately 34 acres of the upland portion of the Site, while preserving the existing docks and waterfront for future maritime expansion. Areas of the Site where a low-permeability cap is required for the MTCA Interim Action will be integrated with the MIE Action.

The Port proposes the MIE Action at the K-C MTCA Site, while at the same time conducting a third MTCA interim action cleanup that integrates with the MIE Action plans (collectively "the Project"). The Port's goal is to revitalize the currently unused K-C Site to create conditions conducive to diverse economic development and reuse of the Site following the completion of K-C's second MTCA interim cleanup action as required by Ecology. This redevelopment will increase the Port's existing cargo handling capabilities and maritime uses. The MIE Action includes development of the Site (named the Norton Terminal) into a secure marine cargo terminal on approximately 34 acres of the Site.

The intent of the MTCA 3rd Interim Action is to achieve the following goals:

- Expedite cleanup of the Site,
- Reduce surface water infiltration through residual soil contamination that could be mobilized into groundwater,
- Prevent wildlife exposure to residual soil contamination, and
- Integrate Site infrastructure improvements and cleanup elements to ensure consistency with future Site use and for long-term protection of human health and the environment.

As currently envisioned, the 3rd Interim Action will include, but is not limited to, the following general scope of cleanup construction elements:

- Construction of a low-permeability cap over approximately 32 acres consisting primarily of low-permeability pavement materials to further reduce surface water infiltration and to prevent exposure of terrestrial ecological receptors.

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- Fill importation (approximately 7,000 cubic yards [cy]), grading and compaction associated with areas required to have a low-permeability cap to: 1) increase elevation of the Site to be protective of anticipated sea level rise, 2) provide stormwater drainage, 3) reduce surface water infiltration, and 4) support construction of the low-permeability cap on those areas that have residual soil contamination above cleanup standards.
- Installation of subgrade and interim above-grade utilities (power, water, stormwater, sanitary sewer, etc.) to support stormwater treatment and conveyance, minimize future disturbance of the cap, as well as other potential cleanup action elements where a cap is required to contain contaminated soils. The stormwater system is directly related to the interim action.
- Installation of new perimeter security fence which will be required as part of the proposed existing pavement demolition and installation of the proposed low-permeability cap. The fence will also meet Homeland Security requirements for a secure marine terminal.
- Reconstruct two existing outfalls A and M for discharge from the new stormwater system.
- Management of contaminated soil and groundwater during construction of subgrade utilities in accordance with an Ecology-approved Soil and Groundwater Management Plan (SGMP), and other soil and groundwater characterization testing as required by Ecology. A relatively small amount of potentially contaminated shoreline armor rock and sediment will be removed as part of the reconstruction of the stormwater outfalls.

The MIE Action at the future Norton Terminal includes:

1. *Site Grading and Paving*—Approximately 7,000 cy of suitable clean fill material will be imported, placed, and compacted to build up the Site elevations followed by significant portions of the Site being covered with a pavement section designed for the anticipated heavy industrial cargo that will also prevent surface water infiltration as part of the 3rd Interim Action. Generally, the Site's finished grade will be raised several feet higher than existing as part of the MIE Action and is anticipated to range between approximately +17 ft to +23 ft MLLW. This elevation range accounts for both capping material being added to the Site and designing to accommodate anticipated sea level rise. Because low-permeability surfaces required under the 3rd Interim Action (to contain areas with residual soil contamination) must be compatible with future Site uses, the pavement will be designed to support loads generated by Port-related cargo handling equipment and cargoes. It is anticipated that some areas may remain as gravel until the entire Project area can be paved and the final MTCA cleanup action is selected by Ecology. Certain areas may be built up to near final grade elevations with thinner pavement sections or other low-permeability system, as needed, to meet the requirements of the 3rd Interim Action or the final cleanup action selected for the MTCA Site by Ecology.
2. *Longshoreman Facility* – The Project is anticipated to include two portable trailers to serve as a longshoreman restroom, shower, lunchroom, and office facility. Total approximate square footage of these trailers is approximately 800 square feet.
3. *Washpad* – An approximately 60-ft-wide by 120-ft-long concrete pad will be constructed for the purpose of washing cargo items and Port equipment and will feature a stormwater diversion system so that when the wash pad is not in use, stormwater runoff will be routed to

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the Site's water quality treatment system. When the washpad is in use, wash water will be diverted to the City of Everett's sanitary sewer system.

4. *Cargo Container Containment Area* – An approximately 41-ft-wide by 141-ft-long asphalt pad will be constructed for cargo container containment for use containing any leaks from a container. It will be surrounded on three sides by a curb with an opening along one side to allow equipment ingress and egress. A security fence will surround the facility. Stormwater runoff will be routed to the Site's water quality treatment system. In the event of a leak from a container, a valve in the storm drain system will be closed and the leak will be contained on the pad. The leak will be cleaned up by a vactor truck, or other appropriate methods, and disposed of at an appropriate facility.
5. *Utilities*—Anticipated individual utility systems include the following:

   A. Stormwater – As currently envisioned, stormwater will be handled by longitudinal concrete gutters and trench drains that will be connected to a high-flow bypass vault, as well as catch basins and buried piping. Stormwater treatment for the entire Site is planned to be handled at two points. Near the northwest corner of the Site, the Port will install an aboveground stormwater treatment system that will handle the majority of runoff from the Site and provide treatment to meet anticipated Industrial Stormwater General Permit (ISGP) requirements. The current plan calls for stormwater to be pumped from the trench drain system into the treatment system and then discharged into an existing stormwater outfall for discharge (Outfall M). The existing outfall is anticipated to require replacement because of its condition and size and the expectation is that will be replaced in its existing location. A small portion of the south end of the Site will drain to an existing catch basin that will be fitted with a stormwater treatment cartridge system, from which stormwater will be discharged through an existing outfall (Outfall A). This outfall is also anticipated to require replacement because of its condition and the expectation is that it will be replaced in close proximity to its existing location. There are six existing outfalls on the Site that range in size from 10 inches to 54 inches in diameter. Four (4) of the outfalls have been decommissioned as part of the 2nd Interim Action. By reducing the Site's total number of outfalls from six to two, the replacement outfalls will require an increase in size. Outfall A, a 10-inch outfall at the Site's south end, will be replaced with an 18-inch outfall; and Outfall M, a 21-inch wood-stave storm drain that transitions to a 12-inch polyvinyl chloride (PVC) outfall, will be replaced with a 36-inch outfall. Riprap energy dissipation pads will be installed at the end of each outfall. Installation of Outfall A will occur over 120 square feet of shoreline below the high-tide line (HTL). Installation of Outfall M will occur over 420 square feet of the shoreline below the HTL. The total runoff volume discharged to the East Waterway is not anticipated to change from the former K-C-developed site conditions, which is based

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on nearly 100 percent impervious surface conditions. Stormwater management is an integral part of the Project including areas requiring a low-permeability cap to contain contaminated soil as part of the 3rd Interim Action. Effective stormwater management will minimize the potential for contaminant transport to adjacent surface water, reduce surface water infiltration through areas of the MTCA Site that have residual soil contamination, and improve groundwater quality prior to its discharge to surface water.

i. Water Quality Treatment – The majority of the water quality treatment of stormwater runoff will be provided by an aboveground Chitosan-Enhanced Sand Filtration (CESF) system. CESF systems consist of above grade storage tanks, pumps, and filtration vessels. CESF systems have received General Use Level Designation (GULD) from Ecology for Enhanced Treatment of industrial sites. The treatment system will be sized for the entire upland area (approximately 39 acres) with exception of the future PUD substation site which will be developed by the PUD. The aboveground system dimensions are approximately 4,500 square feet with components up to approximately 9 ft tall.

   A small area to the south cannot drain by gravity to the CESF system, so a standalone system is proposed. The cartridge stormwater treatment system proposed to treat runoff in the Outfall A basin uses rechargeable, media-filled cartridges to absorb and retain pollutants from stormwater runoff. Filter cartridges are placed in belowground structures such as specially designed catch basins, manholes, or vaults. Stormfilter systems have received GULD from Ecology for 'Basic' water quality treatment and Conditional Use Level Designation (CULD) for enhanced heavy metal treatment requirements. A level of 'Basic' treatment is anticipated for the south gate area of the Site. The Site's runoff will discharge directly to the East Waterway following the required treatment.

B. Water – Water distribution and fire protection will include a new looped water system to support both fire protection and domestic water service. The system will be tied into the existing City of Everett water supply system. Appropriately sized water meters and service lines are planned to serve individual tenants. These service lines will provide water to temporary or permanent structures that may be placed on the Site (such as the washpad, longshoremen restrooms or breakrooms), other maintenance or operations requirements, and provide irrigation to potential landscaped areas. An existing 6-inch water main in Federal Avenue will be replaced with a 12-inch main that will extend to the Site. Temporary water service may also be provided to the barge dock if interim use of the barge dock is deemed usable.

C. Sanitary Sewer – Sanitary sewer service will be supported by two to three sanitary sewer lift stations (typically constructed with low-horsepower sewage grinder pumps), at various locations on the Site. Sanitary sewer force main pipes will connect to existing City of Everett manholes to the south at Federal Avenue (or potentially to the north at Norton Avenue).

D. Electrical and Communications – Electrical service will be provided by the PUD via existing overhead lines at the northeast corner of the Site. New 15-kilovolt (kV) service equipment will be installed at the north end of the Site near the entrance gate off Norton Avenue. Power distribution will be via an underground conduit duct bank system with numerous precast vault structures that will serve the Site. Temporary power may also be provided to the barge dock if interim use of the barge dock is deemed usable. Spare power conduits in the main duct banks and side lateral power conduits from the electrical vaults will be provided to allow future expansion of the electrical system. Electrical power will be needed to support operation and maintenance of the stormwater treatment system(s), which are considered an integral part of the 3rd Interim Action.

Communication conduits and vaults will be provided as part of the main electrical duct bank network. Communication conduit will be installed from the communications vaults to the various Site security camera locations, gate locations, and other structures. Fiber optic cable will be installed to serve the Site security cameras and other communication needs, connecting to the Port's current communications and security network near Federal Avenue. Communication systems may be needed to support future cleanup action elements, which are considered an integral part of the 3rd Interim Action.

6. *Lighting* – Lighting will be provided by Light-Emitting Diode (LED) light clusters mounted on high-mast poles set on concrete protective foundations. It is anticipated that there would be approximately 13 proposed light poles that will be up to 75 ft tall and comprised of metal poles with concrete bases, one 46-ft tall light pole, and eight 30-ft tall light poles. Lighting will be directionally controlled and shielded to avoid spillover to neighboring properties.
7. *Security*—The Norton Terminal will be a federally secure restricted area and access will be controlled with security fence and gates that meet US Department of Homeland Security standards. Approximately 4,500 lineal feet of 8-ft-high chain-link fence with a top guard of three strands of barbed wire will be erected along the Site boundaries to maintain terminal security. A guard shack (approximately 240 square feet) will be provided at the entrance at Federal Avenue and will be served by utilities such as water, sewer, power, and communications. Site security will consist of closed-circuit television (CCTV) cameras mounted on approximately ten 30-foot tall utility poles located throughout the site.

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8. *Cargo Gateway* – Cargo movements between the existing terminal to the south and the proposed Norton Terminal to the north will occur on or adjacent to Federal Avenue. Several options for the cargo gateway are under consideration including the following: a) a secure gateway that utilizes Federal Avenue through an agreement with the City of Everett that allows the Port control of the Federal Avenue right-of-way; b) a non-secure gateway that utilizes Federal Avenue and may involve an agreement with the City of Everett, or; c) a secure gateway on Port property, adjacent to the west side of Federal Avenue. The secured cargo gateway options would be surrounded by a combination of gates and fences that can be opened and closed to provide a federally secure, continuous access lane between the terminals. The gateway options will also provide non-secure access to the Port's existing tenants, as necessary.
9. *Landscaping* – Landscaping specifics remain under consideration, which include integration of City of Everett requirements with Project operations requirement and the Interim and Final MTCA CAP. Certain landscaping elements may be subject to future cleanup actions under the MTCA Final CAP which has yet to be defined. Any areas of landscaping will meet soil cleanup standards identified for the final cleanup action for the K-C MTCA Site.
10. *Optional or Future Terminal Operations Support Elements* – Port operations may require installation of truck scales and other elements that support the operations of a shipping terminal. These elements and their supporting utilities will be incorporated at such time as they are identified as terminal operations evolve.

Work is expected to begin in May 2021 and in-water work will adhere to the work window that allows in-water construction work (typically July 15th – February 15th). The project is expected to be completed in 2023.

PROPONENT AND LEAD AGENCY: Port of Everett

LOCATION OF PROPOSAL: The Project is located in Section 19, Township 29 North, Range 5 East, Willamette Meridian. The approximate street address is 2600 Federal Avenue, Everett, Washington. Tax Parcel identification numbers 29051900201500, 29051900200900, 29051900201000, 29051900300100, 29051900300200, 29051900300201, 29051900201100, 00597761803000, 00597761801000, 00597761800600, 00437461700200, 00597761800102, and 00597761803901.

DETERMINATION: The Lead Agency for this proposal has determined that this proposal, in conjunction with Best Management Practices (BMPs) and conservation measures, will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 and WAC 197-11. This determination assumes compliance with federal and State law as well as City of Everett ordinances related to general environmental protection. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

It is the policy of the Port that, when undertaking an action involving the exercise of substantive SEPA authority, the Port shall consider, as appropriate under the circumstances, the ramifications of such action as to one or more of the factors listed in Port of Everett Resolution 1046, Substantive Authority.

Mitigation Measures

1. Actions to avoid, minimize and mitigate potential adverse effects on ESA species of concern and, as a result function as conservation measures, will include appropriate use of the mitigation measures described in the proposal's Biological Evaluation. This will include various measures to protect water quality, minimize turbidity, and avoid adverse effects on listed species during construction activities. All in-water work will also occur during agency-approved work windows when few out-migrating juvenile salmon are present in the nearshore of Port Gardner.
2. A Soil and Groundwater Management Plan will be prepared as part of the Interim Action Work Plan deliverable for the 3rd Interim Action and will be reviewed and approved by Ecology prior to Project implementation.
3. The Port will implement the following Best Management Practices (BMPs):
    a. Standard BMPs in accordance with the Washington State Stormwater Management Manual for Western Washington and City of Everett requirements will be implemented during all activities occurring adjacent to the shoreline and in the remainder of the Project area.
    b. Implementation of the BMPs, a Spill Prevention, Control, and Countermeasure (SPCC) plan and other additional requirements included as part of the proposal's stormwater permit are intended to address mitigation of potential significant adverse impact to stormwater runoff quality and control.
    c. Compliance with applicable stormwater, grading, and drainage control regulations to minimize potential erosion and pollution effects on soils, critical areas, and water bodies.
    d. If deemed necessary by Ecology, turbidity and other water quality parameters may be monitored to ensure construction activities are in conformance with Washington State Surface Water Quality Standards, or other conditions as specified in the Ecology Water Quality Certification (WQC).
    e. A health and safety plan will be completed by the construction contractor that will document specific procedures to be followed if environmental health hazards are encountered.
4. The proposed Project would include practices to reduce construction noise. Examples include:
    a. Using properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off idle equipment. Construction contracts would specify that mufflers be in good working order and that engine enclosures be used on equipment when the engine is the dominant source of noise.
    b. To the extent practicable, potentially substituting hydraulic or electric models for impact tools such as jack hammers, rock drills, and pavement breakers to reduce construction and demolition noise.
    c. Although safety warning back-up alarms are exempt from noise ordinances, the Port will work with the contractor to minimize loud noise from vehicle safety warning back-up alarms while still maintaining worker safety.
    d. During operation of the completed proposal, all cargo-handling equipment will be properly maintained to minimize noise generation.
    e. In the event that noise concerns arise from either the construction or operation of the proposal, complaints can made to the Port's Noise Complaint Hotline (425-388-0269) that is monitored 24 hours per day, 7 days per week.
5. The Port of Everett's Environmental BMPs shall apply to the proposal's construction and subsequent terminal operations. Including:

a. Aiming and shielding of new and existing lighting to minimize light and glare impacts on sensitive receiving areas.
b. Greater use of electrically powered cargo-handling equipment to the extent possible to reduce noise and air emissions.
c. Restrictions on terminal-generated truck traffic to travel only on designated arterial streets.
d. To the extent practicable, excavation and material placement work will only be conducted when the project area is not inundated with tidal waters.
e. Excavation in the shoreline environment associated with Outfalls A and M will include removal and disposal of existing informal riprap and potentially contaminated soil and sediments.
f. Stormwater catch basins within the vicinity of the work area will be protected with inserts in accordance with Ecology Standard BMP #C220. This will include within areas that receive stormwater runoff from proposed access locations and upland staging areas within the Project area limits.
g. Appropriate BMPs will be employed to minimize sediment loss and turbidity generation during excavation, re-handling, rock installation, and other earth disturbing activities.
h. Care will be taken to prevent any petroleum products, chemicals, or other toxic or deleterious materials from entering the water. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the material, and appropriate agency notifications would be made. Fuel hoses, oil drums, or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills.
i. Excess or waste materials will neither be disposed of nor abandoned waterward of the OHW line, nor allowed to enter waters of the state.
j. The contractor will have a spill containment kit, including oil absorbent materials, on-Site to be used in the event of a spill, if any oil product is observed in the water.
k. The contractor will be required to capture any debris associated with Project construction and not allow it to enter Puget Sound.
l. Holding any new development associated with the proposal to the latest emission standards.
m. Using only equipment and trucks that are maintained in optimal operational condition.
n. Requiring all off-road equipment to have emission reduction equipment (e.g., requiring participation in Puget Sound Region Diesel Solutions, a program designed to reduce air pollution from diesel, by project sponsors and contractors).
o. Implementing restrictions on construction truck and other vehicle idling (e.g., limiting idling to a maximum of 5 minutes).
p. Spraying exposed soil and impervious surfaces with water or other suppressant to reduce emissions and deposition of particulate matter (PM).
q. Covering all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed).
r. Providing wheel washes to remove PM that would otherwise be carried off-site by vehicles to decrease deposition of PM on area roadways.
s. Covering dirt, gravel, and debris piles, as needed, to reduce dust and wind-blown debris.
t. Staging transport of construction materials to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants.

6. The Port will continue to coordinate with the Ecology MTCA Program to ensure appropriate project BMPs are being instituted to protect human health and the environment, considering that this project is located within the K-C Site Cleanup Action Plan area.

Note: Issuance of this threshold determination does not constitute approval of local, state, and federal permits. Construction contractors shall comply with all applicable permit conditions.

This MDNS is issued under WAC 197-11-340(2) and WAC 197-11-350.

PUBLIC AND AGENCY COMMENT: The lead agency will not act on this proposal for 14 days from the published date below. Comments must be submitted in writing by **5:00 P.M. March 26, 2021** to the Responsible Official as named below. Comments will not otherwise be accepted by telephone or personal conversation. For general project related questions or additional information, please contact Laura M. Gurley, Planner, at 425-388-0720 or e-mail laurag@portofeverett.com.

Contact Person:	Laura M. Gurley, Planner Phone: (425) 388-0720
Responsible Official:	John Klekotka, P.E.
Title:	Chief of Engineering & Planning and SEPA Responsible Official
Address:	Port of Everett PO Box 538 Everett, Washington 98206
E-mail:	**SEPAComments@portofeverett.com, subject line: "MTCA Interim Action and Maritime Industrial Expansion"**

Signature: Signed with OnYask.io — 0242AC120002 Date: March 08, 2021

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APPEALS: There is no administrative appeal for this determination per Port of Everett SEPA Resolution 1046.
Procedures for appeal of this SEPA threshold determination are set forth in Chapter 43.21C RCW including, without limitation, RCW 43.21C.060, 43.21C.075, and RCW 43.21C.080 and Chapter 197-11 WAC including, without limitation, WAC 197-11-680.

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SIGNATURE CERTIFICATE

Workflow Reference: df6043dd-8057-11eb-aaba-0242ac120002

SIGNED BY	AUDIT TRAIL
Johnk@portofeverett.com IP Address: 24.16.92.137, 10.200.3.90	08-Mar-2021 5:26 PM EST Document accepted & signed Reference ID: fb4e6107-8057-11eb-ae6d-0242ac120002

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